

REMARKS

Applicants request favorable reconsideration and withdrawal of the outstanding rejections in view of the foregoing amendments and the following remarks.

Claims 1-9 are now pending in the application, with Claims 1, 5, 6, and 9 being independent. Claims 1, 5, and 6 have been amended. Claims 8 and 9 are new. Support for the amendments and new claims can be found throughout the originally-filed disclosure, including, for example, at paragraphs 0043 and 0046 of the specification. Accordingly, Applicants submit no new matter has been added.

Claims 1-7 are rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Cohagan et al. (U.S. Patent App. Pub. No. 2004/0243468).

This rejection is respectfully traversed for the reasons set forth in the Amendment After Final Rejection filed June 16, 2008, which Applicant hereby incorporates by reference.

In addition, in response to the comments included with the Advisory Action mailed July 3, 2008, Applicants submit the following remarks.

The Advisory Action asserts Cohagan et al. discloses that the primary member may permit association of any number of supplemental members with an account and that both the primary and supplemental members may earn and redeem reward points which are posted to the aggregate consumer account, with the Advisory Action specifically citing to paragraph 0039 of Cohagan et al. The Advisory Action concludes, therefore, that Cohagan et al. discloses that supplemental members are authorized “identical access to that of the primary cardholder.”

Applicants submit that the mere reference in Cohagan et al., to earning and redeeming loyalty points is insufficient to conclude that the reference discloses “identical access to that of the primary cardholder,” as is recited in independent Claims 1, 5, and 6. Clearly, the primary cardholder in Cohagan et al. may perform actions beyond earning and redeeming loyalty points, such as initiating the act of adding supplementary members. Cohagan et al., however, provides no indication that “identical” access is granted to the supplementary members, but rather only that the supplementary members may perform functions such as earning and redeeming loyalty points. See, e.g., Cohagan et al., paragraphs 0039 and 0061.

To even further emphasize the distinctions of Applicants’ claimed invention from Cohagan et al., new independent Claim 9 has been added herein, which specifically recites that the authorization access includes authorization to earn loyalty points, redeem loyalty points, buy back loyalty points, and reinstate loyalty points. In Applicants’ view, Cohagan et al. does not disclose buying back loyalty points or reinstating loyalty points in general, let alone authorizing a third-party participant to perform such actions.

The Advisory Action further asserts that Cohagan et al.’s parent application, namely Voltmer et al. (U.S. Patent App. No. 09/836,213; published as U.S. Patent App. Pub. No. 2002/0143626), discloses that supplemental members may also earn rewards in addition to the primary member.

Applicants note that paragraph 0033 of Voltmer et al. discloses “[t]he consumer ID may be associated with a household account which specifies the consumer as a primary member and permits the identification of supplementary members associated with the

consumer's household who may also earn reward points for the consumer" (emphasis added). Applicants further note that nothing in this section of Voltmer et al., or any other portion of the reference, suggest that the supplementary members may be authorized to perform any other actions beyond earning reward points, such as redeem loyalty points, buying back loyalty points, and/or reinstating loyalty points. Moreover, nothing in Voltmer et al. discloses that the supplementary members may have identical access to primary member.

Applicants again note that this is an important issue in this case in that Cohagan et al., as set forth in U.S. Patent App. Pub. No. 2004/0243468, was filed March 11, 2004, subsequent to the filing date of the present application. Thus, if Voltmer et al. does not support for the features relied on in making the rejection, then Cohagan et al. cannot be applied under 35 U.S.C. § 102(e) against the present application. Therefore, if the rejection based on Cohagen et al. with the priority date Voltmer et al., Applicants kindly request the Office is explain, with citation to specific portions of the reference, how it is interpreting Voltmer et al. to support the features of Applicants' claimed invention, given that Voltmer et al. merely discloses supplementary members earning loyalty points, and does not expressly disclose authorizing supplementary members to perform any other types of loyalty point transactions.

For at least the foregoing reasons, Applicants submit that Cohagan et al. fails to disclose, teach, or suggest the invention as recited in independent Claims 1, 5, 6, and 9.

Additionally, with respect to independent Claim 5, Applicants submit that Cohagan et al. (as well as Voltmer et al.) fails to disclose or suggest a backend processing system

component configured to “verify with the transaction system component that the third party participant has sufficient connection to the primary cardmember’s account.” For this feature, the Office Action of March 14, 2008, appears to cite to Figure 5 of Cohagan et al. for this feature. In Applicants’ view, however, nothing in Figure 5, or at any other portion of Cohagan et al., discloses an independent verification of the connection between a third party participant having a sufficient connection to the primary cardmember’s account. Moreover, Applicants do not understand any portion of Voltmer et al. to disclose such a feature. Applicants, therefore, request clarification if the rejection of claim 5 is to be maintained as to how this feature is disclosed by both Cohagan et and Voltmer et al.

The remaining claims in the present application are dependent claims that depend directly or indirectly from independent Claims 1, 5, and 6 and are allowable by virtue of their dependency and in their own right for further defining Applicants’ invention. Favorable and independent consideration of all the dependent claims is respectfully requested.

Applicants submit that the instant application is in condition for allowance. Accordingly, Applicants requests favorable reconsideration, withdrawal of the outstanding rejections and an early Notice of Allowance.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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